CHAPTER 2
REVIEW OF LITERATURE

A comprehensive review of literature is essential for any good research endeavour as it provides background information to aid researcher in designing and analyzing research work. In addition to this it guides the researcher to identify the gaps and define the problem more effectively. The phenomenon of disappearance due to its multi dimensional impact on the families has provided more and more areas for research. Although, a number of studies have been carried out globally, but the issue requires more comprehensive approach. To gain a more insight into the issue a whole chapter is devoted to the review of literature. A large number of studies have examined the various dimensions of disappearance and its impact in terms of social, economical and psychological. An attempt is here made to give a brief account of literature related to disappearance phenomenon and its various dimensions.

Bryce, Walker, Ghorqyeb and Kanj (1989) in there paper based on the study carried out in Lebanon have reflected upon the various forms of impact of any armed conflict and conclude that Emotional, psychological and mental trauma which result directly or indirectly from armed conflict are frequently profound and enduring. Similarly UNICEF (1990) highlighting the impact of armed conflict on the population also stated that Psycho-social trauma is the most widespread effect of armed conflict.

International Committee of Red Cross [ICRC] and Inter-Parliamentary Union (2009) in a handbook prepared for the parliamentarians on the issue of disappearance particularly resulting out of armed conflict have highlighted various issues faced by the families of the disappeared. The handbook while throwing light on the impact of disappearances and the expectations of families propounds that the families face a series of challenges which differ depending on their personal situations, the local context and their socio-cultural environment. The authors show that the challenges faced by the families are usually psychological, legal, administrative, social and economic in nature. Stress-related problems affect the families of missing persons.
more than they do other families, including those who know that their loved ones are dead. In addition to having lost a relative, these families generally experience or have experienced other traumatizing events such as displacement, threats to their lives and physical violence, or have witnessed events of that kind. Furthermore, because they have no certainty as to the status of their missing loved one, and because there is no body, they are unable to begin the grieving process, either emotionally or socially. A great many families of disappeared people face economic difficulties linked directly with the disappearance, and are unable to meet their needs in terms of food, health, housing, or education for the children. Most of those who disappear are adult men; so many families have lost their main breadwinner. Often, women then become heads of household and face limited options for earning a living. Moreover, until the status of a missing person is officially recognized, the family generally does not receive the support normally given to families following the death of a member. Accordingly it is maintained that the authorities show very little help towards searching for the missing or disappeared persons.

ICRC (2009a) in a study primarily focused on to identify the needs of families of disappeared persons in Nepal found that the rights of family like - to know the truth, to redress, to justice and to reparation rarely comes up during their talk, for them it is an external discourse. For families, problems they face and need that emerge from those problems are more pressing and important than rights. The report also highlights that the needs of the families of the disappeared cannot be generalised; the needs depend upon their socio-economic situations. The information about the whereabouts of the disappeared and economic support has been predominantly asked by the families. The families are reluctant to accept that their loved one is dead; while about 80% of them show some degree of ambiguity about the disappeared person’s fate. The report was also instrumental in putting forward the fact that majority of the families have cases of trauma, and a small minority were disabled by mental illness. Many of those met display chronic physical symptoms, presumably somatic, that they attribute to the long-term effect of the disappearance. A number of wives of
disappeared persons face extreme stigmatization in their homes that has led to their being ejected by their in-laws, leaving voluntarily or continuing to live there in terrible conditions. The study further says that disappeared of the earning member of the family results in lowering the economic conditions of the families with the result they often have to beg for food. The ambiguity about the fate of the disappeared member gives rise to the issues like transfer of land and inheritance.

ICRC (2009b) in study focusing on the wives of the disappeared persons in Nepal’s Maoist insurgency used participatory and ethnographic research methods to understand their needs and to identify the limits of the current practice of transitional justice in addressing those needs. The study found that the needs expressed have distinct gender dependence: women prioritize the need for economic support while men prioritize such support, truth and prosecutions. Similarly, there were also dramatic differences in priorities between more politicized and educated urban families, and poor rural families, most notably concerning justice. It is pertinent to mention that the fact that most of the relatives of the disappeared do accept that their husband is dead is reflected in this study which shows that only 6 of the 26 women met accept that their husband is dead; others maintain hope, even after many years that he will return. The time that has passed has reduced hope, but not extinguished it. The study further explores the social impact of the disappearance on the wives of disappeared, it shows that where wives of the disappeared have experienced loss of status within the family and where identity issues in the community result in stigmatization. However the most demanding need of the women was economic support followed by whereabouts of victim and prosecution.

Bhagat (1999) in her paper has highlighted the plea of wives of the disappeared persons. She points out that the wives of disappeared face particular victimisation from both state and, in some cases, the family of their husbands. The paper also tries to put forth the religious dimension to the problems of the half widow’s which has direct bearing on the inheritance rights of the widow, she has referred to the Muslim Personal Law, according to which, a person cannot be declared
dead for seven years after disappearance. Until then their property cannot be sold. She argues that it is even less likely that half widow’s will have the chance to remarry, as they are often negatively associated with violence through the disappearance of their husbands.

Amnesty International (1999) in its report on Kashmir highlighted two main issues viz, age of the disappeared persons and their profession. The report points out that majority of disappearances were men aged between the ages of 17-40 and those who disappeared were likely to belong to any type of profession white as well as blue collar.

Crew (2008) in her study aimed at development of criminology’s understanding of state crime victimology by testing Kauzlarich, Rick and Miller (2001) given general propositions, in relation to Kashmir. According to whom the victims are usually or tend to be among the least socially powerful actors. With regard to this proposition, Teresa believes that Disappeared came from all walks of life and had different professions, including teachers, labourers, farmers and business men. The author also prescribed a comparison study with disappearance in Argentina during the ‘dirty war’ (Project Disappeared, undated) might be useful in order to show any differences or similarities between the experiences of those in Kashmir. The study in addition to the above concerns has also tried to define the victims. The primary victim according to her is the disappeared person while term ‘secondary victim’ include the immediate family or dependants of the direct victim. However the concept of victimisation has also been touched by the researcher, she has tried to develop an understanding of the secondary victimisations, which involves the relevant authorities refusing to disclose the fate or whereabouts of the persons concerned or to even acknowledge the deprivation of their relative’s liberty.

Linghammar (2008) in his study has studied and examined the international legal instruments like, International Convention for the Protection of All Persons from Enforced Disappearance, the Inter-American Convention on Forced Disappearance of Persons and the Statute of the International Criminal Court, specifically addressing
the practice of enforced disappearance, he has tried to analyse the definition of victim in them and their appropriation, in relation to the gravity and seriousness of the crime. In his study the main emphasis has been on the examination of various important elements of these instruments like definition, disappearance as a crime against humanity, domestic legal responsibilities, the victim and the monitoring mechanisms. The researcher has also discussed various cases concerning the Inter-American Convention on Forced Disappearance of Persons in the Inter-American Court. The monitoring mechanisms have also been discussed in the study. The conclusion of the study is that, extensive analysis of the various portions of the UN Convention shows that it contains some very innovative and progressive parts and will seal many of the current gaps in the protection against enforced disappearance, but it is dependent on the number of states ratifying the Convention. Also, the preventive effect of the ICC might not be as significant as it could be because of the rigid requirements in the definition. The study has also highlighted the difference in the definition between the 1994 Inter-American, the UN-convention and the ICC is when it comes to who can commit the crime, the perpetrator. He asserts that the ICC Statute is much wider as it includes the non state actors, he stipulates that the offence can not only be carried out by the state or with acquiescence but also by any political organization. In this sense the ICC definition is much wider and it is applicable to groups that are not a party to the other treaties. This difference holds a great value as, under the international law instruments dealing with enforced disappearance, only state actors can commit the offence. According to him Political organization should also be referred to as national liberation movements, guerrilla groups.

Powel, Botollo and Hagl (2010) in a study carried out in Bosnia and Herzegovina to study the psychological impact of disappearance on the family member found that families of those people who go missing during war and acts of terrorism suffer an additional or different kind of mental health burden than families of people who are known to have been killed. The study further showed that the group with unconfirmed losses had higher levels of traumatic grief (measured on a version
of the UCLA Grief Inventory) as well as severe depression (measured on the General Health Questionnaire), even when traumatic events and stressors were controlled for. This study represents one of the first empirical confirmations that, at least in a war context, suffering the unconfirmed loss of a family member has specific negative mental health consequences compared to suffering a confirmed loss.

Henderson, Henderson and Kiernan (2000) in a paper discusses the challenges and opportunities provided through extending the traditional view of law enforcement’s role in disappeared persons. The authors argue that the traditional police role has focused on locating disappeared people is to be coordinated with a more holistic approach encompassing prevention, location, education and support and describes the requirements for a coordinated national policy response across government departments and community organisations to address this issue. The holistic approach as per the authors includes empowering families and friends to be involved in the search, as well as encouraging disappeared people themselves to make contact so that they are no longer considered missing. Further, it extends to addressing the impacts on families and friends so that those affected by the phenomenon have access to appropriate support to alleviate the distress and other consequences experienced. Effective prevention and an informed community can reduce the social and economic costs associated with disappeared persons. The authors are of the opinion that the importance of law enforcement is charged with providing leadership to the community in relation to significant missing person issues. Other very important highlight of the paper is the discussion on the national and coordinated approach to missing persons, PLES, based on four key principles (prevention, location, education and support) Prevention reduces the incidence of missing persons and therefore the emotional and financial costs, promoting and enhancing a safer society for all people.

i) Location recognizes the critical need to find the missing people as quickly as possible through a coordinated, national approach to reduce the impact on families and friends and the missing people themselves.
ii) Education increases the awareness in relation to missing persons to minimise the incidence, enhance the response and encourage a whole-of-government approach in cooperation with the community.

iii) Support minimises the trauma suffered by the missing people, family, friends and the impact on the community.

Henderson and Henderson (1998) carried out a study to establish the basic information on the context of missing persons in Australia. The National Missing Persons Unit (NMPU) at the Australian Bureau of Criminal Intelligence commissioned an independent study to address this information gap and to identify service delivery needs for those affected by the phenomenon of missing persons. The study was focused towards identifying the role of various law enforcing agencies and included analysing case reports in addition to that consulting with a wide range of organisations directly and indirectly involved in missing person issues, and interviewing nearly 300 families and friends of persons reported missing to police. The study also included an assessment of the economic and social costs of missing people in the Australian community. The study established that people who are associated with the missing persons suffer health, occupational, emotional and other types of impacts. According to them the social cost for the community in large remains unrecognised. They propose a holistic approach in addition to the efforts to locate the missing person, which should include prevention, location, education and support provide by the government and community based organisation. The study was instrumental in identifying a widespread community impacts when someone goes missing. According to the study for every missing person case, an average of at least 12 other people were affected in some way, either emotionally, through health or work effects, quality of life and other impacts. There were also substantial economic costs in locating missing people and addressing the impacts on families, friends and the community. The research provided some key directions to Australia’s policy response to missing persons. It demonstrated a need for prevention of disappearance as a part of any policy, benefits of coordinated location efforts across agencies and in
collaboration with the families of missing persons, including friends and community. It also demonstrated the need of raising awareness among relevant agencies, government decision-makers, the wider community, and missing persons themselves about the impacts of going missing and the sorts of action that each can take to mitigate those social and economic impacts.

Acknowledging the need for support for those affected, Keirnan, Handerson and Handerson (2010) on the basis of a study in Australia to identify and analyse the information gaps and service delivery needs for those affected by the phenomenon of missing persons carried out a detailed analysis of the study in the form of a report. It was evident from the report that the need for effective support services for families and friends of missing persons was the single issue raised most consistently in the study. As far as the type of support identified varied from acute emotional crisis support to specialised support specific to the needs of families and friends of long-term missing cases. With respect to the police policy issues, two areas were suggested to be improved. These were perceived delays in taking action when the missing person was first reported and contact with families and friends to provide feedback on what is occurring after the report has been made. The paper highlights the very important aspect put forth by the study, i.e, unmet needs of the families of missing. The most significant being the immediate and long-term support for families. Provision of information and practical advice to assist families and friends in searching formed the priority areas for consideration. Recognising the importance of research, The paper highlighted the need for a monitoring, research, and evaluation to determine what works for whom and under what circumstances in preventing missing person incidents, and in minimising the impacts and consequences of someone going missing.

European Union-Phillipines Justuce support Programme (2008) through a report prepared by representatives of four of Europe’s national human rights institutions with a purpose to provide brief and general suggestions concerning enforced disappearances and extra legal killings from the perspective of international human rights law and to address the strengthening of national monitoring in the
Philippines. As per the report enforced disappearances are often associated with torture and similar mistreatment of victims. The suggestions included, that States have obligations in respect of deprivation of the right to liberty and life by State and non-State actors. The State must protect individuals from enforced disappearances and extra legal killings etc. by State and non-State actors. The group suggest that the necessary reforms should focus on effectively reducing and ultimately bringing an end to enforced disappearances the most important suggestion that this group has given includes the due recognition of the fact that civil societies and families of the victim have a great role to play. They suggested that:

1. Civil society organisations should be appropriately included in monitoring and strengthened with a view to support victims of human rights violations, including e.g. be the development of a human rights handbook for victims of disproportionate use of force and other human rights violations, including enforced disappearances and extra-legal killings. Civil society organisations should be encouraged and financially supported with a view to strengthening them in their proper role.

2. Victims of human rights violations and, where appropriate, their close relatives are entitled to involvement in the official investigation, access to information and legal representation (ICCPR Article 6 and ICPED Article 17) and have access to effective remedies nationally and internationally.

The group also made recommendations for setting up the national monitoring system to check human rights violations particularly the enforced disappearances, with its main operational areas being data collection, data analysis, publications, dissemination and publication, networking.

Jha (2005) in his article has focused on the disappearances resulting out of armed conflict in Nepal, according to him a majority of the victims have been the poor, dalits, women, children, unarmed civilians and people from ethnic minorities. The author attribute the large number of disappearance in Nepal to the very notion of no conformity to the domestic laws by the security forces who do not bring the
arrested persons to the court leaving the relatives and friends of the family are not informed about their whereabouts. While on the other hand non state actor have also made hundreds of people disappear. Interestingly, in almost all the case the disappeared were last seen in the custody of government security forces. The author has tried to highlight the non compliance of parties involved in the conflict to the international and domestic laws to protect the human rights.

Citroni (2006) in a paper has reflected the various rulings given by the supreme court of Nepal on the issue of enforced disappearance. The paper highlight some of the every important rulings of the court which include the courts belief that State cannot escape from its obligations to identify and make public the status of the disappeared persons, to initiate legal action against those persons who appear to be the perpetrators, and to provide appropriate remedies to the victims. The economic interest of families of the victims were also taken up by the court while acknowledging the impact of economic loss that he families suffer during search and attempts to obtain justice.

Boss (2004) in her paper has deliberated on the issue of ambiguous loss of a family member. The paper described the ambiguous loss as a person in terms of being either physically absent but psychologically present or a family member may be physically present but psychologically absent; both of these situations thwart people’s desire for certainty and may become an obstacle in healthy patterns of development. He has highlighted one of important outcome of ambiguous loss which he has associated with a number of family situations, including chronic physical or mental illness, missing persons, adoption, or divorce.

Boss (2006) in her book has pointed out a very important aspect of a phenomenon of disappearance. She concludes that when an important person to whom people are attached disappears, “survivors often turn away from the world and withdraw into apathy” (p.1). She has theorized the idea of ambiguity and loss. She propounds that ambiguity coupled with loss creates a very powerful and strong.
According to her “barrier to coping and grieving, and leads to symptoms such as depression and relational conflict that erode human relationships.’’ (p.165).

In both works Boss (2004; 2006) acknowledges the fact that ambiguous loss defies resolution and creates long term confusion about who is in or out of particular couple or family. With death, there is official certification of loss, and mourning rituals allow one to say goodbye. With ambiguous loss, none of these markers exists. The persisting ambiguity blocks cognition, coping, and meaning-making and freezes the grief process. The studies by Boss indicate that situations of ambiguous loss predict symptoms of depression, anxiety and family conflict. The stress of ambiguity is seen to impact mental health and well-being, subject to the resilience of individuals and families.

Angela, Huebner, Mancini, Wilcox and Gabriel (2007) in their study to explore the impact of parental deployment on the family systems found that deployment of any parent especially father has a substantial impact on the youths and the most influential factor was found to be the uncertainty and ambiguity regarding them. The Study inquired about the uncertainty, loss, resilience, and adjustment among youth aged 12–18 that had a parent deployed, most often to a war zone. The nature of uncertainty and ambiguous loss was explored. The findings of the study were instrumental in establishing the fact that emotional level, manifestations of depression and anxiety were common and are related to uncertainty about the status of the deployed parent.

Kordon et. al (1988) have highlighted a situation that is faced by the family members of the disappeared. In Argentina, when family members of disappeared are encouraged by others, including psychotherapists, to give up hope of seeing that person again and mourn and accept the fact that the person as lost, they according to him are even encouraged to deny the existence of that person, and get on with their lives, but he points out the fact that inspite of such pressures the family members refused to submit to this pressure. The family members instead demanded to know what had happened to them.
Blackwell (1993) in his article focusing on the relationship between individual and torture, like including organised violence. He believes that individual needs to be looked within the context of family, social network and community. The author believes that the transformation or loss of these patterns of relationship drastically undermines the individual's sense of purpose and meaning in life. It is, therefore, extremely difficult to retain a sense of continuity and to reassert a sense of identity, purpose, and meaning. Furthermore, it is put forth that it is impossible to separate the violation of individuals from the violation of their significant relationships with others. The article further proposes a therapeutic model involving the interventions at three levels of social life i.e. Families, networks and communities to generate a purpose and meaning in the lives of those left over.

Citroni and Scovazzi (2009) in their paper have reflected on the phenomenon of forced disappearances and considers it one of the major crimes against the person, the family and society. The authors have analysed in depth the International Convention for the Protection of all Persons from Enforced Disappearance. It also comments the importance of the development of case law, which has defined the human rights offended by the crime, applying the inversion of the burden of proof, and recognizing the mandatory obligation to criminalize and fight the misconduct. The authors have highlighted the long struggle by international community to provide effective legal and judicial tools to tackle and address this heinous crime. The crime according to the authors’ amounts to the denial of the person’s right to exist and to have an identity. They argue that most of the times it is the state actors who have been involved in this crime and involves the abuse of power that allows the perpetrators, while committing abominable crimes, to reduce law to something insignificant. The authors believe that international legal instruments cannot change all of a sudden a reality that is the product of the moral vileness of those who are ready to resort to enforced disappearance. The authors reflecting upon the plea of relatives of thousands of disappeared people all over the world believe that the relatives of the disappeared are entitled to know the truth about the circumstances of the disappearance, the fate
and whereabouts of their loved ones. They are also entitled to know where their mortal remains are and to be able to bury and to mourn them.

Lindsay (2000) in her paper on women and war argues that much of the academic discussion on women during armed conflict has been on the sexual violence against them but less has been talked about other forms of impact on them. Reflecting upon the phenomenon of disappearance and its impact on the women, The author highlights the ways in which women experience the impact of armed conflict. They argue that in the absence of menfolk women are exposed to high degree of insecurity and danger and are often left at the mercy of community. The women are considered to take the mission of fighting for the fate and whereabouts of their missing relatives. They according to the author experience difficulty in struggle with the provision of immediate livelihood but also with the traditional trauma and uncertainty of not knowing about their future.

Robbins (2007) in his study conducted in Timor-Leste to assess the need of the families of the missing during the conflict which spread over a period of 24 years from 1974 to 1999. According to the study the needs of families cannot be uniquely described; they vary as a function of wealth, education, whether a family is urban or rural, and the time and circumstance of disappearance. The researcher found that many families were unable to summarize their needs. Most typical of ordinary families’ responses was to emphasize the need for an addressing of the need for news of the fate of their loved one or for proper treatment of the remains, as well as the need for economic support: were the prominent ones. However the highlight of the study is the categorization of needs as per the response from the families. The categories being:

i) Truth about the fate.
ii) Access to body.
iii) Economic support.
iv) Justice/Punishment.
v) Establishment of memorial.
The study found that almost half of the families demanded economic support, particularly those families which are female headed, where husbands or sons were victims in 1999. Another very important fact emerged out of the study is that; no family expressed a need for administrative or legal processes to deal with the disappearance, a reflection of the fact that most families do not have regular contact with the law of the state. In addition to the above the study also prescribed some intervention required to be done to address this issue. The interventions are:

i) Establishment of an Office for Missing Persons
ii) Clarifying the fate of the Missing and accessing human remains
iii) Reparations and recognition for families of the Missing
iv) A legal status to be given to the Missing
v) Assistance to families of the Missing
vi) Psychosocial programmes to be developed with Family Associations

Modvig et. al (2000) in their paper highlighting the torture and trauma in post conflict east Timor argue that the scale of traumatic events during the conflict in east Timor was huge and felt that large number of persons are affected by it, accordingly in early 2000 one third of the population of east Timor-Leste suffered from Post traumatic stress disorder(PSTD).

Firoz et. al (2001) in their study to check the prevalence of depression among the population visiting a clinic in the capital found that 42% of them were having depression and 7% with PSTD. They further report that, Single subjects recovering from a near death experience, kidnapping, and separation from family are at a higher risk for depression, while single, unemployed women are at higher risk for PTSD.

Silove et. al (2008) in a study found that importance of performing the last rights as per the rituals hold a very important position as far as the mental illness is concerned, they found that, for the families of the Missing (and the dead), the failure to perform appropriate ritual and burial of the loved ones is often seen as the cause of such problems.
Blaauw and Lahteenmaki (2002) in their article based on the issue of denial and silence talk about the importance of trauma-centered approach to disappearance. They believe that it is quite important in view of being a chronic nature that has emotional, psychological, economic and social consequences. The net impact on families and individuals of having a disappeared relative will be the sum of these effects, subject to the resources of individuals and communities to cope.

Deraniyagala (2006) claims in his paper on the economic condition of families of disappeared in Nepal that, families of the disappeared come from some of the poorest communities in Nepal: the landless, sharecroppers and marginal landowners who constitute 44 percent of the population. Furthermore, the paper states that the disappeared men have an average age of 33, with 76 percent aged between 18 and 40, an age where their economic contribution to the family is crucial.

Zahir-u-din (2000) in his book which primarily focuses on the problem of disappearances in Kashmir and tried to give a statistical representation of the problem. The author has estimated around 4000 disappearances ranging from age group of 8 to 70. The author in his book has documented about 139 cases of disappearances district wise, citing the High court’s intervention in some of them. He has also tried to reflect upon the various articles of United Nations declaration on the protection of All persons from enforced disappearances (1992). The very fact that the book however talk about the plea of families but has not provided any suggestion for the improvement of in their condition.

Antonio and Fernandiz (2005) in their paper view the phenomenon of disappearance as a crime against humanity by way of its violating the very essence of the person, his condition in different dimensions. The authors further propose that the issue should be addressed not only through political and economical perspective but psychosocially as well. The argument put forth by the authors is that this perspective is given the least importance. They propose a long time strategy as short time strategies will consequently generate a process of frustration and renewed
victimization. In addition to this they propose that family system should be the focus of all the intervention strategies.

Pathirana (2006) in his paper focusing on the situation of disappearances in Sri Lanka maintains that the families of the disappeared do not seek rehabilitation, as poverty hinders them to seek counselling or any other rehabilitation service. Instead they spend whatever they have on bread. The author in his paper has put light on the governmental efforts in this direction and goes on to saying that such efforts by government have not made any impact in their lives. He believes that interventions by NGOs also proved less effective due to lack of sustenance and suggests that encouragement and comforting words needed to make them realize that it’s the only way to encourage them to start a new life.

Jammu and Kashmir Coilation of Civil Societies (2007) in a report compiled after conducting a survey in district Baramulla of Jammu and Kashmir state which contains the information about the number and identification of people died during the period from 1989 to 2006. The report has also focused on the persons who have disappeared during the given period. The report also figures the affiliation of the death persons and the perpetuators of the crime according to their families. The report points out that 5106 people were killed, out of which 2508 were militants. As far as disappeared persons are concerned the report shows that their figure is 343. The most surprising point that comes out of the report is that about 72% of the disappeared are civilians. The report again is devoid of any issue of their families.

Department of Sociology and Social work (2007) carried out a survey to identify the conflict affected families of district Srinagar. The report compiled shows that 9.86 percent of the families surveyed had a missing in their family report shows that the families are experiencing the impact in terms of social, economical and psychological. The report while highlighting the plea of the wives of the disappeared persons point out that they have crossed the age of marriage. These women are still waiting for their husbands.
Noorani (2007) in his article claims that the response of government and civil societies to the problem of disappearance has not been encouraging. He refers to the contradicting statement put forth by the government with regard to the number of disappeared in the state. The author further asks for an enquiry commission on the lines of Sri Lanka as it falls within the power of the government.

Joint statement of Associations of families of the disappeared (September 23, 2005) and other supportive NGOs on the occasion of the adoption of the international convention for the protection of all persons from enforced disappearance for adoption of the text of the convention. The statement contains in it some points regarding various provisions of the convention. The statement talks about the ambiguity in definition and the role of non state actors in disappearance and suggested that it should also be addressed by the states. The statement found that the states may in fact use this provision in order to escape from their own responsibility. Regarding impunity the statement asks for prohibition of amnesties or pardon laws for perpetuators. And lastly seeks rights of families to have information about the whereabouts of the disappeared.

Dabla (1999) in his study argues that the situation during the armed conflict is more grave for the women whose husbands are missing or have disappeared. He goes on to say that even widows do not find marriage an option to go with, as . The author puts widows in Kashmir into four main sub-groups. They include wives of civilians/common people killed by the security forces or by militants or were killed in armed encounters between militants and security forces; wives of ex-local militants; wives of ex-officials-personnel of central security forces which include regular army, wives and of ex-officials-personnel of special operation group members. Study further reports that one-third of the widows were in the age group of 31-45 over half of these women i.e, 53.67 percent live alone and didn’t marry. According to him, provisions of remarriage are there but the majority of the widows do not marry for the sake of their children. He further reveals that only 8 percent of the widows have remarried or
intend to marry, while 9 percent have not married or decided no to marry. As per the study 87 percent of the widows were supporting their orphaned children.

This shows that even though the widows know the fate of their husband’s still they prefer not to marry. The decision of wives of disappeared would be quite clear. Another facet of the problem is the fact that disappearance of a family member has had a miserable economic impact since a large number of them are the earning members of the family. Leaving behind women who for all practical purposes have lost their husbands are sooner or later deserted by in-laws and discorded families. Everyday women continue to struggle with their life situations and mostly land up with psychological disturbances resulting out of inability to have a normal existence with the passage of time they suffer from different psychological and physiological disorders.

Crettol and Marie La Rosa (2006) in their article have highlighted a very important issue of right of families to know the fate of their relatives and how work to resolve the missing persons issue can be reconciled with an effective fight against impunity. They are of the opinion that for societies in transition it’s important to realize the importance of the missing persons issue, then only the need to consider how it can best be addressed becomes very clear. Starting with the importance of knowledge knowledge and the whereabouts or fate, tens of thousands of families face the agony of uncertainty for years even after the peace comes in place. In practice, they will desperately search for information until they know for sure whether their relatives are alive or dead. The authors believe that the uncertainty prevents them from achieving closure until they find an answer. Furthermore, the painful effects of their loved ones’ absence are often accentuated by the psychological, economic, social and legal problems with which they have to contend and which are frequently disregarded or denied. For instance, many of the missing persons are male, often the sole breadwinners and account or property holders. Their families are thus left without their source of income, a situation that is hardly conducive to appeasement.
Not only missing persons should be considered as victims but also all the members of their families understood in their broadest possible sense.

The authors giving importance to the various issue during the armed conflict argue that when peace or other settlements are negotiated, they should receive at least as much attention as other issues, such as refugees and displaced persons, land and property, or human rights and conflict resolution, in the parties’ efforts to repair their past. The opening of mass graves, the identification of bodies, establishment of the circumstances that led to their deaths and clarification of the facts are all necessary steps for families to complete their mourning process, for victims to obtain reparation and, in the long term, for peoples and communities to come to terms with their past and move forward in peace. The authors propose that, forensic activities deployed by international tribunals should be carried out with not only the collection of evidence for criminal prosecution in mind, but also the finding of answers for the families of missing persons. Finally, national authorities should be encouraged and supported, through capacity-building initiatives, in their resolve to genuinely address the issue of missing persons and thus comply with the requirements of international humanitarian law. Only then can there be hope that families will finally fulfill their right to know the fate of missing relatives and receive appropriate reparation.

Imroz (2007) in an article commenting upon the enforced disappearance in Kashmir valley has discussed the formation of association of disappeared persons and also put light on the plight of the families of the disappeared persons. The author argues that most of the persons disappeared are from the lowed strata of the society and which is usually ignorant of their rights. The article further comments on the economic impact of the disappearance and the miseries of the wives of those who are disappeared. The author has also put some light on the issue of child labour arising out of disappearance and the psychological impact on the families and relatives of the disappeared persons.

Amin and Khan (2009) in their study focusing on the characteristics of depression in the population in Kashmir, where a low-intensity-conflict has been
going, the authors surveyed the non-combatant civilian population to measure symptoms of depression and the results of the survey shows that due to continuing conflict in Kashmir during the last 18 years there has been a phenomenal increase in psychiatric morbidity. The study reveal that the prevalence of depression is 55.72%. The prevalence is highest 66.67% in the 15 to 25 years age group, followed by 65.33% in the 26 to 35 years age group. The difference in the prevalence of depression among males and females is significant. Depression is much higher in rural areas (84.73%) as compared to urban areas (15.26%). In rural areas the prevalence of depression among females is higher (93.10%) as compared to males (6.8%). The authors suggest that reduction in risk factors, increasing protective factors in addition to community based programme which are gender and cultural sensitive can help in addressing the problem properly. The authors comment that the major cause of the depression is the low intensity conflict involving various crimes.

Sigle-Rushton and McLanahan (2004) while putting forth their comments on the families where the father is missing or absent. The authors point out that there is a negative consequences of father absence for children shown in earlier studies include poor academic performance, lower overall educational attainment, psychological and behavioral problems, and early marital and non-marital childbearing

Perezsales, Durian-Parez, and Herzfeld (2000) in a study on the psychological consequences of the politics of detention-disappearance in Mapuce and non-Mapuce, the two ethnic community persons of the Araucania region in Chile. The major and surprising result that comes out of the study is that even for more than 20 years after the disappearance or execution of their relative, 3% of Mapuces and 9.7% of non-Mapuces still have uncomplete bereavement processes. However, the study further shows that together, 18.9% of Mapuces and 31.1% of non-Mapuces had had an affective disorder related to the disappearance ($z=1.5, p<0.06$). Although isolated Post-traumatic Stress Disorder symptoms were frequent, the complete syndrome was present in only 1.7% of Mapuces and 6.5% of non-Mapuces. After two decades, the psychological and psychosocial consequences of the repressive process remain
present. The study strengths that the grief that time has a little bearing on the severity of impact on the families.

WHO (2001) in its report on health reflecting the mental health scenario estimated that, in the situations of armed conflicts throughout the world, 10 percent of the people who experience traumatic events will have serious mental health problems and another 10 percent will develop behavior that will hinder their ability to function effectively. The report point out that the most common conditions are depression, anxiety and psychosomatic problems such as insomnia, or back and stomach aches.

WHO (2005) while focussing on the Mental health consequences of war, world health organization gives a significant importance to the issue of psychological traumas of war. It concern was highlighted through the resolution of World health Assembly in May 2005, which urged member states "to strengthen action to protect children from and in armed conflict" and the resolution of the WHO Executive Board in January 2005, which urged "support for implementation of programmes to repair the psychological damage of war, conflict and natural disasters".

Cardozo, Bilukha and Crawford (2004) in one of the very significant studies to measure the impact of war on the mental health of population was carried out in the armed conflict torn country i.e, Afghanistan. The finding show that majority of the respondents i.e, 62% reported experiencing at least four trauma events during the previous ten years. Symptoms of depression were found in 67.7% of respondents, symptoms of anxiety in 72.2%, and post-traumatic stress disorder (PTSD) in 42%. The study further reflects upon the condition of women and points that the disabled and women had a poorer mental health status, and there was a significant relationship between the mental health status and traumatic events. Coping strategies included religious and spiritual practices.

Scholte and Ventevogel (2004) in another study carried out in the Nangarhar province of Afghanistan to check the prevalence of psychiatric symptoms among the persons experienced any traumatic events and to identify resources used for emotional
support and risk factors, and assess the present coverage of basic needs. It says that women had a higher rates of symptoms and experience of traumatic events. The study further points out that The main sources of emotional support were religion and family

Boehlein et. al (2004) in their study to show the severity of the psychiatric problem in the population and how long they can effect an individual wellbeing. A study in Cambodia shows that people who have become refugees because of the long war in the country, have had high levels of psychiatric symptomatology after 10 years.

Bleich, Gelkopf and Solomon (2003) in their study conducted in Israel found that people who are exposed to war related trauma, the most common coping mechanisms were active information search about loved ones and social support.

Steel et. al (1999) in a study which was carried out in sri lanka to look into the psychological effects of the conflict on the civilian population. The study showed that breakdown of the society because of the various traumatic events led to women taking on more responsibilities, which in turn made them more vulnerable to stress.

Blaauw and Lahteenmaki (2002) while focussing the importance of mourning for the families of disappeared argue that mourning is a response of families to loss and death. They also believe that the traditions and rituals have a special place for the families. However, due to the lack of clarity over their fate, the death of their loved one is something almost impossible to admit to themselves. According to them this can disrupt the normal grieving process, since the bereaved are deprived of proper mourning, and may lead to arrested grief or atypical reactions, known as “complicated grief.”

Brian (undated) in a paper on enforced disappearance believes that Enforced disappearance as a crime under international law has a long and neglected history. The author argues that the criminal prohibition of disappearance is rooted in the laws of war, rather than in late 20th century human rights law. The author has tried to
traced the origins of the prohibition to the protection of the family by the 19th laws of war by using the prosecution of enforced disappearance in Bosnia and Herzegovina as a case study.

Keough, Simmons and Samuels (2004a) in their article presents a case that illustrates the vital role that social workers and other mental health and public health workers provided to support families following the 1999 conflict between Serb forces and Kosovar Albanians in Kosovo. The article illustrates an effective emergency intervention and the role of social work in providing family support in this war-induced traumatic situation. The project on which the paper is based was implemented to provide a support network for families with missing family members. The authors maintain that intervention with the families included assessment of local resources, training, fieldwork, professional development of local staff, and the establishment of long-term local responsibility and autonomy. The role of social workers and other mental and public health professionals providing support to families searching for missing relatives has also been discussed.

Keough, Simmons and Samuels (2004b) the authors in this paper shows the importance of integration of standard scientific investigations and multidisciplinary team approach so as to meet the psycho social needs of the families of disappeared persons who seek information regarding the fate of their missing family member living or dead. Highlighting the importance of participation of families and the scientific investigators (pathologists, anthropologists, crime scene investigators, etc), many of whom are unprepared for the presence of family members at the scene, is critical to the success of the integrated process. Providing for and sustaining a long term follow-up programme with families, who may require ongoing mental health and social support, is also essential.

Anderson (2004) in an article has made an assessment of the need for and likely role of the new Convention in place of International Convention for the Protection of All Persons from Enforced Disappearance adopted on 23 June 2006, in holding individuals criminally responsible for acts of enforced disappearance. The
author has discussed the nature and prevalence of enforced disappearance and secondly has reflected upon the existing international legal mechanisms for holding individuals criminally responsible for enforced disappearance in order to identify current gaps in the international legal regime. Furthermore, the author has examined the Convention itself in identifying the needs for filling existing gaps in protection and in extending the existing measures available for holding individuals criminally responsible for acts of enforced disappearance.

Silva, Marwaha and Klinger (2009) in a survey report, which is primarily focussed on the analysis of reported fatal violence across Punjab during a period of conflict from 1984 to 1995. The findings of the survey indicate that the intensification of coordinated counterinsurgency operations in the early 1990s was accompanied by a shift in state violence from targeted enforced disappearances and extrajudicial executions to large-scale lethal human rights violations, accompanied by mass illegal cremations. The report shows that many of the victims of disappearance were not at all connected with the militancy. The report further shows that disappeared were mostly youths and males between the age group of 18 and 45.

United Nations Office of the High Commissioner for Human Rights (2008) in a survey conducted in the Bardiya district of Nepal to investigate primarily the enforced disappearance and serious human rights violations under international humanitarian law. According to the report many of the victims of disappearance were civilians not associated with any warring faction. The report reveals that most of the disappeared from the district were adult males, who provided income and agricultural produce from the land. Their disappearances have therefore had a deep adverse socio-economic impact on the families left behind, forcing women and children to work. It also shows that disappearance of any member of the family disrupts the ability of children to access the right to education and has implications in terms of the psychosocial, emotional and balanced development of the child.

Association of Parents of Disappeared Persons (2008) in a report based on a survey of unmarked graves carried out in the frontier areas of Uri Tehsil in district of
Based on the accounts of villagers and their testimonies, the survey report calls for the international investigation on the issue of nameless graves. The report shows that a total of 940 to 1000 nameless or unidentified graves in three Tehsils of Baramulla district. The report argues that there should be an independent enquiry so that families of disappeared persons are relieved of their apprehensions that the disappeared might be buried in these unnamed graves.

Fazli (2007) while highlighting the cases of fake encounters, the writer has also covered the various events which prompted the state police to start the compilation of the missing persons across the valley. He reports that, all the S.H.O’s were directed to gather the information regarding any person missing in their concerned area. The writer has tried to explore various events and actions during the armed conflict that would have been the reason for disappearance of person in the valley.

Grave Concern (2008, p.8) the editorial is focused on the number of disappeared according to the organization of parents of disappeared persons has been provided according to which the estimated number of disappeared persons in the valley is between 8000- 10000.while claiming that their researchers have discovered hundreds of unmarked graves at various places across the valley however the governmental figures for the number of disappeared is also provided according to which 1017 have disappeared so far. Concerns and apprehensions of the parents of disappeared are put forth while their economic condition and facilities provided by the government are also discussed and analysed.

**Present Study in the Context of the Review of Literature**

The most of the findings of the present study correspond with the results and conclusions appearing in the literature that was put under review on the subject of disappearance phenomenon. The studies carried out by various authorities/Scholars also establish that families of the disappeared persons are also the victims and have to face the social, economical and psychological consequences of the disappearance of
their family members. The researcher has at various levels empirically opined that the families of the disappeared persons are also to be considered as the victims of the disappearance. Various types of impacts of the families can be taken into consideration before finalizing any intervention strategy for them. Involving families in any process can be helpful for the families at large. The impact of the disappearance on the family has been exhaustively studied in an independent chapter of the present study. The results based both upon quantitative and qualitative data reveal that the families are severely affected by the phenomenon of disappearance. As a result of this families tend to constantly living in a state of hope and despair. However the families over a period of time have learned to live in this situation of uncertainty. The present study has been instrumental in highlighting some deficiencies in the way government has been dealing with this issue. It is recommended that the families of the disappeared persons need to be involved in any intervention/rehabilitation process meant for them and investigations to ascertain the fate of their family members should be speedup.

The present study is different as it studies the impact on the families in a more holistic way involving Social, Economical and psychologically. Furthermore, the study has been done in light of coping mechanism and other factors involving the families. In the study it has been observed that the families need information about their missing family member rather than the monetary benefit. The importance of NGOs working for the rights of families was also highlighted. It is also because of this approach that the present study is different from the other studies.